

STATE OF WISCONSIN  
BEFORE THE CHIROPRACTIC EXAMINING BOARD

FILE COPY

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

RICHARD W. KLEIN, D.C.,  
RESPONDENT

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FINAL DECISION AND ORDER  
93 CHI 009

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Richard W. Klein, D.C.  
N7556 West Lake Shore Drive  
Whitewater, WI 53190

Chiropractic Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Richard W. Klein, D.C. (D.O.B. 02/11/28) is duly licensed as a chiropractor in the state of Wisconsin (license #952). This license was first granted on March 21, 1951.
2. Dr. Klein's most recent address on file with the Wisconsin Chiropractic Examining Board is N7556 West Lake Shore Drive, Whitewater, WI 53190.
3. Dr. Klein closed his chiropractic office in 1990 and has practiced chiropractic on only a very limited basis since that time.
4. That on April 7, 1988 and April 11, 1988, Dr. Klein saw patient WR.
5. Dr. Klein administered chiropractic adjustments to patient WR on both April 7, 1988 and April 11, 1988.
6. Based on patient WR's condition, a chiropractic adjustment should not have been administered on April 11, 1988.
7. In resolution of this matter, Dr. Klein consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

By the conduct described above, Richard W. Klein is subject to disciplinary action against his license to practice as a chiropractor in the state of Wisconsin, pursuant to Wis. Stats. Chap. 446, Wis. Adm. Code Chapter CHIR 6 and Wis. Adm. Code §CHIR 6.02(3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Richard W. Klein is SUSPENDED for a period of 60 days, commencing 10 days from the date of this order.

CHIROPRACTIC EXAMINING BOARD

By: Wendell L. Sullivan, D.C. 3-17-94  
A, Member of the Board Date

STATE OF WISCONSIN  
BEFORE THE CHIROPRACTIC EXAMINING BOARD

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
RICHARD W. KLEIN, D.C.,	:	93 CHI 009
RESPONDENT	:	

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It is hereby stipulated between Richard W. Klein, personally on his own behalf and Michael J. Berndt, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Dr. Klein's licensure by the Division of Enforcement (93 CHI 009). Dr. Klein consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Dr. Klein understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Dr. Klein is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

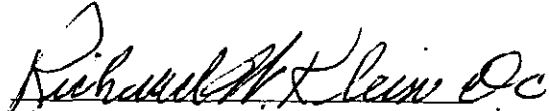
4. Dr. Klein neither admits nor denies the allegations in this matter, but for the purpose of resolving this case agrees to the adoption of the attached Final Decision and Order by the Chiropractic Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

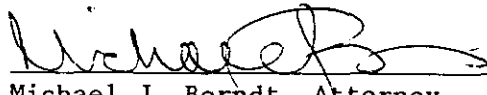
6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Chiropractic Examining Board assigned as an advisor in this investigation may appear before the Chiropractic Examining Board for the purposes of speaking in support of this

agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Dr. Klein in recommending the Chiropractic Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Richard W. Klein, D.C.

3/12/94  
Date

  
Michael J. Berndt, Attorney  
Division of Enforcement

3/7/94  
Date

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## NOTICE OF APPEAL INFORMATION

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**Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.**

**Serve Petition for Rehearing or Judicial Review on:**

THE STATE OF WISCONSIN CHIROPRACTIC EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

**The Date of Mailing this Decision is:**

MARCH 18, 1994.

### 1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

### 2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)